

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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## ERIC LEON CHRISTIAN,

**Plaintiff,**

Case No. 2:16-cv-00319-MMD-VCF

## TRANSFER ORDER

v.

UNITED STATES OF AMERICA et al.,

## Defendants.

## I. DISCUSSION

Plaintiff, a former prisoner of the Bureau of Prisons, has submitted an application to proceed *in forma pauperis* for non-prisoners and a civil rights complaint pursuant to 42 U.S.C. § 1983. (Dkt. no. 3, 3-1.) Plaintiff sues Tracy Johns, the warden at FMC Butner, and Dr. Zula, the head of psychiatric care at FMC Butner. (Dkt. no. 3-1 at 2.) FMC Butner is a federal medical center located in Butner, North Carolina. Plaintiff alleges that Defendants refused to release Plaintiff after he had served his maximum sentence. (*Id.* at 2.) Both Tracy Johns and Dr. Zula appear to reside in North Carolina. (*Id.*)

Pursuant to 28 U.S.C. § 1391(b), a plaintiff may bring an action in:

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

1       28 U.S.C. § 1391(b)(1)-(3). Pursuant to 28 U.S.C. § 1406, if a case has been filed in the  
2 wrong district or division, the district court in which the case has been incorrectly filed  
3 may “transfer such case to any district or division in which it could have been brought.”  
4 28 U.S.C. § 1406(a).

5           The Court finds that the District of Nevada is not the appropriate venue for this  
6 action because the events occurred in Butner, North Carolina and the defendants reside  
7 in North Carolina. Butner is in the Eastern District of North Carolina, Western Division.  
8 The Court directs the Clerk of the Court to transfer this action to the United States  
9 District Court for the Eastern District of North Carolina, Western Division. This Court  
10 offers no opinion on the merits of this action or on the application to proceed *in forma*  
11 *pauperis*. The Clerk of the Court is directed to close the case in this Court.

12 **II. CONCLUSION**

13           For the foregoing reasons, it is ordered that the Clerk of the Court transfer this  
14 case to the United States District Court for the Eastern District of North Carolina,  
15 Western Division.

16           It is further ordered that the Clerk of the Court close the case in this Court.

17           DATED THIS 15<sup>th</sup> day of March 2016.



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19           MIRANDA M. DU  
20           UNITED STATES DISTRICT JUDGE  
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